

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

JOHN KELL,

Plaintiff,

vs.

FREEDOM ARMS INC., including
Predecessors and Successors of
Freedom Arms Inc., and Subsidiaries
and Related Business Entities; and
JOHN DOES 1-10

Defendants.

CV 24-31-M-DWM

ORDER

On February 29, 2024, Plaintiff John Kell sued Freedom Arms Inc., for injuries he sustained when his holstered Freedom Arms Model 83 pistol discharged into his left arm. (*See* Doc. 1.) On April 30, 2024, Freedom Arms moved to dismiss for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2) and failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). (Doc. 4.) In response, Kell filed an Amended Complaint, (Doc. 11); a motion for jurisdictional discovery, (Doc. 12); and a response brief, (Doc. 13). Because “an amended pleading supersedes the original pleading,” *Koala v. Khosla*, 931 F.3d 887, 895 (9th Cir. 2019),

IT IS ORDERED that Freedom Arms' motion to dismiss (Doc. 4) and Kell's motion for jurisdictional discovery (Doc. 12) are DENIED as MOOT. Freedom Arms must answer the Amended Complaint or once again move to dismiss by the deadline provided for in Rule 12(a).

DATED this 22nd day of May, 2024.



Donald W. Molloy, District Judge
United States District Court